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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,418	08/10/2000	Christopher E. Axe	4876	6284

22830 7590 11/24/2003

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EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 11/24/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,418

Applicant(s)

AXE ET AL.

Examiner

Gregory J. Vaughn

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 4. 6) ☐ Other: _____

DETAILED ACTION

Application History

1. This action is responsive to the application filing, Application filed on 8/10/2000.
2. Applicant submits Information Disclosure Statement on 12/4/2000.
3. Applicant submits Supplemental Information Disclosure Statement on 2/26/2002.
4. Claims 1-15 are pending in the case, claims 1, 2, 9, 12, 14 and 15 are independent claims.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- "610" on page 14, line 4.
- "Fig. 9" on page 14, line 15 and page 17, line 12.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:

- The disclosure recites: "*dropped the object 610 in another slot*" in reference to Figure 7 (page 14, line 4). Figure 7 fails to show the reference indicated.
- The disclosure recites: "*with reference to Figs. 9 and 10*" (page 14, lines 15-16) and "*referring to Fig. 9*" (page 17, line 12). The drawings do not contain a Figure 9 (although a Figure 9A and a Figure 9B are included).

Appropriate correction is required.

7. The use of the following trademarks has been noted in this application:

- "*PENTIUM*" on page 3, line 2.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

9. Claims 1-9 and 11-12 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Templeman US Patent 5,845,303 (filed 10/2/1996, patented 12/1/1998).

10. **In regard to independent claim 1**, the claim recites:

"A method for visually configuring a product by placing a plurality of selectable components into a plurality of slots, comprising:

- (a) initializing a configuration layout with proper state;*
- (b) receiving a selection of one of the plurality of selectable objects, and of one of the plurality of slots in which the selected object may be placed;*
- (c) providing visual feedback indicating a validity of the selections;*
- (d) receiving a placement of the selected object;*
- (e) receiving input regarding the placement from a remote inference engine;*
- (f) updating the visual feedback as needed based on the received input;*
- and*
- (g) repeating steps (b) through (f) until no more selections are received."*

The first limitation of the claim is directed toward the step of initializing the layout tool. Templeman anticipates the limitation. Templeman recites: *"applications software 78 operates to determine the proper frame within a metaform into which data is to be flowed"* (column 10, lines 22-23)

The second limitation of the claim is directed toward selecting a layout component and its desired location. Templeman anticipates the limitation. Templeman recites: "*applications software 78 will determine that the logo data identified by the flow tag LG is to be flowed to frame 82 of metaform 80*" (column 10, lines 34-36).

The third limitation of the claim is directed toward the system validating the selected component in it's designated position. Templeman anticipates the limitation. Templeman recites: "*applications software 78 determines whether any constraints are affected 148*" (column 10, lines 44-45).

The forth limitation of the claim is directed toward displaying the selected component in it's designated position. Templeman anticipates the limitation. Templeman recites: "*Constraints on the display are solved as the data is flowed (i.e., as more data is put into a specific frame). Upon resolution of constraints, the display frame is sized to accommodate the input data and the frame is displayed on the computer display screen*" (column 3, lines 21-25)

The fifth limitation of the claim is directed toward the use of an inference engine. The disclosure of the application defines an inference engine as "*all of the intelligence*" (page 3, lines 8-9). Templeman anticipates the limitation. Templeman recites: "*FIG. 4 includes a number of links 130, 132, and 134 which demonstrate constraint relationships for each of the frames 82-92. A constraint describes a relationship that must hold between multiple variables*" (column 8, lines 39-42).

The sixth limitation of the claim is directed toward updating the display based upon the inference engine output. Templeman anticipates the limitation. Templeman recites: *"applications software 78 performs the composition and flow of data to frames using an object-oriented composition engine responsive to specific flow, style, and substyle tags 104, 106, 108. As required, applications software 78 grows or shrinks the frame as new lines of text or graphics are composed"* (column 10, lines 28-33).

The seventh limitation of the claim is directed toward repeating the method step as required. Templeman anticipates the limitation. Templeman recites: *"Once all the constraints have been solved for a particular frame, applications software 78 returns control to step 140 to receive further input data"* (column 11, lines 7-9).

11. **In regard to independent claim 2**, the claim contains substantially the same subject matter as claim 1, except for the limitation *"storing a new set of constraints based on the placement of the selected object."* Templeman anticipates the limitation. Templeman discloses *"Determine the Downstream Constraints"* in Figure 5, reference sign "152". The balance of the limitations of independent claim 2 are rejected with the same rational as described for claim 1.

12. **In regard to dependent claim 3**, the claim recites:

"The method of claim 2, further comprising: transmitting information regarding the placement of the object to the inference engine."

The claim is directed toward the inference engine evaluating object placement. Templeman anticipates the claim. Templeman recites: *"applications software 78 determines whether any constraints are affected 148"* (column 10, lines 44-45).

13. **In regard to dependent claim 4, the claim recites:**

"The method of claim 2, wherein the step of looking up constraints comprises looking up a forward-looking rules table."

The claim is directed toward considering a rules table. Templeman anticipates the claim. Templeman discloses the use of rules in Figure 5. Templeman discloses the step of *"Are any (more) constraints affected?"* (Fig. 5, reference sign 148) and the step of *"Has constraint already been solved?"* (Fig. 5, reference sign 150).

14. **In regard to dependent claim 5, the claim recites:**

"The method of claim 4, wherein the step of storing a new set of constraints comprises storing a new forward-looking rules table."

The claim is directed toward updating the rules information based upon the added object. Templeman anticipates the claim. Templeman discloses updating the rules information with the step *"Determine downstream constraints"* (Figure 5, reference sign 152).

15. **In regard to dependent claim 6, the claim recites:**

"The method of claim 2, wherein the input is received from an inference engine."

The claim is directed toward the inference engine provides intelligence to the layout. Templeman anticipates the claim. Templeman disclose the step of *"Execute the constraints"* (Figure 5, reference sign 154).

16. **In regard to dependent claim 7**, the claim recites:

"The method of claim 2, wherein the selection of one of the plurality of selectable objects, and of a slot in which the selected object may be placed, is received via a user interface."

The claim is directed toward a user interface. Templeman anticipates the claim.

Templeman disclose a user interface in Figure 3A and in Figure 4.

17. **In regard to dependent claim 8**, the claim recites:

"The method of claim 2, wherein the received input is implemented in a user interface."

The claim is directed toward a user interface that displays a resultant layout.

Templeman anticipates the claim. Templeman disclose a user interface with a resultant layout in Figure 4.

18. **In regard to independent claim 9**, the claim contains substantially the same subject matter as claims 2 and 7 combined, and is rejected with the same rational.

19. **In regard to dependent claim 11**, the claim contains substantially the same subject matter as claims 1, 3 and 4 combined, and is rejected with the same rational.

20. **In regard to independent claim 12**, the claim contains substantially the same subject matter as claims 1 and 7 combined, and is rejected with the same rational.

21. **In regard to dependent claim 14**, the claim contains substantially the same subject matter as claim 1, and is rejected with the same rational.

22. In regard to dependent claim 15, the claim contains substantially the same subject matter as claim 2, and is rejected with the same rationale.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

24. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Templeman in view of King et al. US Patent 6,161,114 (filed 4/14/1999, patented 12/12/2000), and further in view of Paseman US Patent 5,745,765 (filed 10/23/1995, patented 4/28/1998). "King et al." is hereafter referred to as "King".

25. In regard to dependent claim 10, the claim recites:

"The system of claim 9, wherein the visual user interface comprises:

- donors depicting the plurality of selectable components;*
- receptors depicting the plurality of slots into which the donors can be placed;*
- a graphical manipulation enabler for implementing drag and drop behavior of the donors into the receptors; and*
- a configuration conflicts displayer, for updating a visual display responsive to at least one of the plurality of donors being put into at least one of the plurality of slots such that at least one constraint stored on the user intelligence is violated."*

The claim is directed toward a layout configuration tool with object donors, a template receptor, drag and drop functionality, and conflicts display component. Templeman discloses the object donors and template receptor as described above. Templeman fails to disclose drag and drop functionality or a conflicts display component. King discloses the use of drag and drop functionality. King recites: *"In some embodiments, powerful content processing capabilities make assembly of content from a wide variety of resources (another disk, over a network, from the Internet, for example) as simple as executing a drag and drop action"* (column 6, lines 8-11).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to use the drag and drop teachings of King to enhance the object selection function of Templeman to allow users the ability to *"improve document production"* (King, Column 6, line 7).

In regard to the conflicts display limitation of claim 10, neither Templeman nor King discloses the use of a conflicts display feature. Paseman discloses the use of a conflicts display feature. Paseman shows, in Figure 4C, a conflicts display feature where one of the selectable options is *"eliminated"* based upon previous object selection.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to add the conflicts display teachings of Paseman to the layout invention of Templeman because *"This aids the designer in selecting another class*

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of the component for use in the product configuration" (Paseman, column 1, lines 51-53).

26. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Templeman in view of King.

27. **In regard to dependent claim 13**, the claim recites:

"The system of claim 12, wherein the client device further comprises a web browser which is communicatively coupled to the remote host device via a network service."

The claim is directed toward web browser and a network service. Templeman discloses a layout configuration system with communications capabilities (see figure 2A) but fails to disclose a web browser or a network service. King discloses the use of web pages, which are inherently displayed with a web browser. King recites: *"A composition may be rendered to HTML format by also specifying regions within Web pages including formats and styles where content elements are to be located, and by translating the information into the HTML language"* (column 8, lines 6-9). King discloses the use of a network service. King recites: *"In some embodiments, powerful content processing capabilities make assembly of content from a wide variety of resources (another disk, over a network, from the Internet, for example)"* (column 6, lines 8-11).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to combine the web browser and network service teachings of King to the layout configuration system of Templeman to *"support the automatic*

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integration, composition and layout of content from multiple sources into intelligent dynamic document templates instantly" (King, column 2, lines 59-61).

28. The following list of prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>US Patent</u>	<u>Date</u>	<u>Inventor</u>
• US-5,438,512 A	08-1995	Mantha et al.
• US-5,499,366 A	03-1996	Rosenberg et al.
• US-5,600,771 A	02-1997	Hayashi et al.
• US-5,669,006	09-1997	Joskowicz et al.
• US-5,953,733 A	09-1999	Langford-Wilson, Alistair
• US-6,216,142 B1	04-2001	Iwasaki, Taiji
• US-6,288,719 B1	09-2001	Squilla et al.
• US-6,434,579 B1	08-2002	Shaffer et al.
• US-6,596,032 B2	07-2003	Nojima et al.

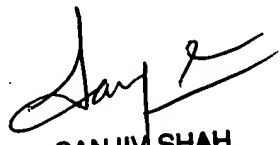
Conclusion

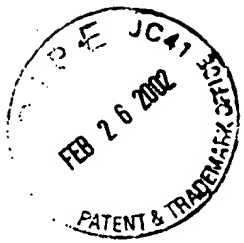
29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Gregory J. Vaughn
November 14, 2003


SANJIV SHAH
PRIMARY EXAMINER



Statement Regarding Demonstration of a Prototype Visual Configurator

It is the understanding of the Attorneys of Record that in approximately 1998, Calico Commerce, Inc. demonstrated a prototype visual configurator to a customer or potential customer. Applicants believe that the visual configurator system and method claimed in the subject application is patentably distinguishable from the prototype visual configurator that was demonstrated in 1998. It is the understanding of the Attorneys of Record that the visual configurator demonstrated in 1998 is the dispatch system described (1) on page 4, lines 4-12 of the "Background of the Invention" section of the subject application and (2) in the document titled "Visio-based Configuration Overview," which was included in the Information Disclosure Statement previously filed on November 29, 2000.

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